

SENATE BILL 3714

By Ford

AN ACT to amend Tennessee Code Annotated, Title 17,
relative to judges and chancellors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 17-1-301, is amended by deleting the section in its entirety and by substituting instead the following:

(a)

(1) Each judge of a circuit, chancery, criminal, or other state trial court of record shall be elected to a full eight-year term of office by the qualified voters of the judicial district or circuit, to which the judge is to be assigned, in a contested election held at the regular August election in 2014 and at the regular August election recurring every eight (8) years thereafter.

(2) If a vacancy occurs during the term of office of any judge of a circuit, chancery, criminal, or other state trial court of record because of death, resignation, removal or other reason, then the remainder of the unexpired term shall be filled by the qualified voters of the judicial district or circuit in a contested election held at the next regular August election recurring more than thirty (30) days after the vacancy occurs. In the meantime, the governor shall appoint a person to discharge the duties of such office until the first day of September next succeeding the election.

(3) To be appointed or elected as judge of a circuit, chancery, criminal, or other state trial court of record, a person must be duly licensed to practice law in this state and must be fully qualified under the constitution and statutes of Tennessee to hold the office.

(4) Each election for the office of judge of a circuit, chancery, criminal, or other state trial court of record shall be conducted in accordance with general election law set forth in title 2.

(b)

(1) Each judge of the supreme court shall be elected to a full eight-year term of office by the qualified voters of the district in which the judge seeks election in a contested election held at the regular August election in 2014 and at the regular August election recurring every eight (8) years thereafter.

(2)

(A) Each justice of the supreme court shall be elected from supreme court districts to be created by the general assembly. The districts shall be approximately equal in population and each district shall be composed of the core county enumerated in this subdivision:

(i) The first supreme court district shall contain Knox County;

(ii) The second supreme court district shall contain Hamilton County;

(iii) The third supreme court district shall contain Davidson County;

(iv) The fourth supreme court district shall contain Madison County; and

(v) The fifth supreme court district shall contain Shelby County.

(B) At the August general election in 2014, and every eight (8) years thereafter, the qualified voters of the state shall elect five (5) persons, one (1) of whom shall reside in each supreme court district and who meet the qualifications of a supreme court judge provided by law to serve as judge of the supreme court.

(C) Any vacancy in the office of supreme court judge shall be filled as provided in subsection (d) and shall be filled from the same supreme court judicial district in which the vacancy occurred.

(c)

(1) Each judge of the court of appeals and court of criminal appeals shall be elected to a full eight-year term of office by the qualified voters of the district in which the judge seeks election in a contested election held at the regular August election in 2014 and at the regular August election recurring every eight (8) years thereafter.

(2) Each court of appeals and court of criminal appeals judge shall be elected from intermediate appellate court districts to be created by the general assembly. The districts shall be approximately equal in population and each district shall contain a core county as follows:

(A) The first intermediate appellate court district shall contain Sullivan County;

(B) The second intermediate appellate court district shall contain Knox County;

(C) The third intermediate appellate court district shall contain Hamilton County;

(D) The fourth intermediate appellate court district shall contain Davidson County;

(E) The fifth intermediate appellate court district shall contain Madison County; and

(F) The sixth intermediate appellate court district shall contain Shelby County.

(3) At the August general election in 2014, and every eight (8) years thereafter, the qualified voters of each intermediate appellate court district shall elect two (2) persons meeting the qualifications provided by law for a court of appeals judge to serve as judge of the court of appeals for an eight-year term and two (2) persons meeting the qualifications provided by law for a court of criminal appeals judge to serve as judge of the court of criminal appeals for a term of eight (8) years.

(d) If a vacancy occurs during the term of office of any judge of the supreme court, court of appeals or court of criminal appeals because of death, resignation, removal or other reason, then the vacancy shall be filled, for the remainder of the unexpired term, by the qualified voters of the state or the intermediate appellate court district from which the vacancy occurs in a contested election held at the next regular August election recurring more than thirty (30) days after the vacancy occurs. In the meantime, the governor shall appoint a person to discharge the duties of such office until the first day of September next succeeding the election.

(e) To be appointed or elected as judge of the supreme court, judge of the court of appeals or judge of the court of criminal appeals, a person must be duly licensed to practice law in this state and must be fully qualified under the constitution and statutes of Tennessee to hold the office.

(f) Each election for the office of judge of the supreme court, judge of the court of appeals or judge of the court of criminal appeals shall be conducted in accordance with general election law set forth in title 2. In accordance with § 2-13-203, each political party may nominate a candidate for election to each such office; and in accordance with § 2-5-101, independent candidates may also qualify for each such office.

SECTION 2. Tennessee Code Annotated, Title 17, Chapter 4, is amended by deleting the chapter in its entirety.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it, and shall apply to each vacancy or election occurring on or after such date.